

REMARKS

Claims 1, 5, 7 to 9, 11 to 13, and 15 to 22 are in the application, with Claims 1 and 20 being independent. Reconsideration and further examination are respectfully requested.

Claims 1, 5, 7 to 9, 11 to 13, and 15 to 18 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,235,427 (Idota) in view of U.S. Publication No. 2002/0146623 (Suzuki) and U.S. Patent No. 6,322,926 (Kasashima). Claim 19 was rejected under 35 U.S.C. § 103(a) over Idota, Suzuki, and Kasashima, and further in view of WO 2001/41249 (Nakanishi). Claims 20 to 22 were rejected under 35 U.S.C. § 103(a) over Idota. These rejections are respectfully traversed.

Claims 1 and 20 recite, *inter alia*, an uppermost surface of the powder is covered with an oxide film to prevent the powder from reacting with oxygen.

By virtue of the foregoing feature, it is possible to prevent oxidation of an active material of a secondary battery. Such oxidation can occur when miniaturizing (pulverizing) the active material, and can have a detrimental effect on the performance of a secondary battery.

None of Idota, Suzuki, Kasashima, and Nakanishi, even in the proposed combinations, assuming, *arguendo*, that such could be combined, is seen to disclose or suggest at least the foregoing feature, or the attendant benefits provided thereby.

Idota discloses the method by which his ceramic is adhered to a silicic material at column 24, I-15. As described there, colloidal silica (SiO_2) is adhered to silicon by mixing the silicon and SiO_2 , heating the mixture at 1000°C, and grinding the resulting

solid in a vibration mill in an argon gas atmosphere. Idota also discloses that I-18: Si-Al₂O₃ is prepared similarly to I-15. However, since the melting point of SiO₂ is about 1610°C and that of Al₂O₃ is about 2050°C, it is Applicants' understanding that the particles are at most fusion-bonded to each other by the heat treatment at 1000°C. The particles of SiO₂ or Al₂O₃ are not melted so as to cover the particles of silicon.

Suzuki, Kasashima, and Nakanishi are not seen to remedy the foregoing deficiencies of Idota.

Claims 1 and 20 further recite, *inter alia*, (i) the particles of the solid state alloy have a microstructure in which a microcrystal or amorphous material of an element other than silicon is dispersed in microcrystalline silicon or amorphized silicon, the microstructure being observed by using a transmission electron microscope, and (ii) the half value width for the diffraction intensity at 2θ of the main peak of the X-ray diffraction chart of the particles of the solid state alloy is 1.0° or more.

The applied documents, either alone or in combination, are also not seen to disclose or suggest the foregoing features (i) and (ii)

The dependent claims are also submitted to be patentable because they set forth additional aspects of the claims and are dependent from the independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

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